

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KIMBERLY J. ATKINS,

Defendant.

Case No. 22-cr-40024-JPG-1

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Kimberly J. Atkins's motion for a reduction of her criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 53). The Government agrees with the motion (Doc. 55).

The parties agree that the defendant is eligible for a reduction under Part B of Amendment 821, which added U.S.S.G. § 4C1.1 (2023) to alter offense level calculations for some offenders with no criminal history points. Under Amendment 821, the defendant's offense level is reduced from 25 to 23. The result is that her guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 57 months to 46 months in prison on all counts is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 53) and reduces the defendant's sentence of imprisonment from 57 months to **46 months or "time served," whichever is longer**, on each count, effective February 1, 2024. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

IT IS SO ORDERED.

DATED: January 16, 2024

s/ J. Phil Gilbert _____
J. PHIL GILBERT
U.S. DISTRICT JUDGE